

PATENT

U.S. Application No. 10/559,828
Attorney Docket No. 12699/28

21fw



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Hiroaki IIDA, et al. Confirmation No. 1057
SERIAL NO. : 10/559,828
FILED : December 6, 2005
FOR : **HYBRID VEHICLE AND METHOD
OF CONTROLLING THE SAME**
GROUP ART UNIT : 3618
Examiner: John OLSZEWSKI

COMMISSIONER FOR PATENTS
Customer Service Window **AMENDMENT**
Randolph Bldg., 401 Dulany Street
Alexandria, VA 22314

**RESPONSE TO RESTRICTION/ELECTION
REQUIREMENT, WITH TRAVERSE**

SIR:

In response to the Office Action mailed October 11, 2007 in the above-identified application, the Applicants respectfully submit the following.

Claims 1-13 are pending in the application. In response to the election/restriction requirement set forth in the above-identified Office Action, the Applicants hereby elect Species I, claims 1-9, and Applicants believe at least independent claim 1 is generic to all three species.

Applicants respectfully traverse this restriction requirement and respectfully request withdrawal thereof as the inventions of Species I, II, and III, as identified by the Examiner are sufficiently related, and examination of these inventions does not create a serious burden on the Examiner. Still further, the undersigned submits that even if the election of species requirement is proper, 37 CFR § 1.141 provides that a reasonable number of species may nevertheless be claimed, and therefore searched, in one application. MPEP § 806.04(a).

If the Examiner denies the request for reconsideration, The Applicants respectfully submits that upon allowance of generic claim 1, they will be entitled to consideration of claims drawn to species II and III.

PATENT


U.S. Application No. 10/559,828
Attorney Docket No. 12699/28

Should there be any questions concerning this matter, the Examiner is invited to contact the Applicant's undersigned attorney.

The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

Date: November 9, 2007



Daniel G. Shanley
Reg. No. 54, 863

KENYON & KENYON LLP
1500 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 220-4200
Facsimile: (202) 220-4201